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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,037	06/30/2003	Sanjay Ghemawat	0026-0031	8255
44989      7590      03/06/2009 HARRITY & HARRITY, LLP 11350 Random Hills Road SUITE 600 FAIRFAX, VA 22030				
			EXAMINER	
			LOVEL, KIMBERLY M	
			ART UNIT	PAPER NUMBER
			2167	
			MAIL DATE	DELIVERY MODE
			03/06/2009      PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/608,037

**Applicant(s)**

GHEMAWAT ET AL.

**Examiner**

KIMBERLY LEVEL

**Art Unit**

2167

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

/John R. Cottingham/  
Supervisory Patent Examiner, Art Unit 2167

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant's arguments filed in regards to the prior art rejections have been fully considered but they are not persuasive.

Referring to Applicant's arguments on page 3 of the Remarks in regards to claim 1, the Applicant states "For example, Dinker et al and Bobbit et al do not disclose or suggest a master that is configured to, among other things, store an operation log that includes a record of changes to at least one of namespace data, which includes file identifiers for files for which the file data is stored as chunks, or mapping data, which maps the file identifiers to the chunks to which the file identifiers correspond, as recited in claim 1."

The examiner respectfully disagrees. Paragraph [0048] of Bobbit states that the configuration information of the file system includes log files. It is well-known in the art to one of ordinary skill in the art that a log file maintains a history of actions taken. Furthermore, paragraph [0094] discloses appending the GUID for the destination tree to the end of a pointer tree. Therefore, since the new record is appended to the old, the changes are being maintained. Furthermore, the examiner respectfully disagrees that the changes being made are not to namespace data wherein the namespace data includes file identifiers for files which the data is stored. According to [0086], when a new data file is added to a particular directory, the file name is added to the directory in the master gtree. According to [0042] of applicant's specification, namespace data can include names of files and the files may be organized hierarchically in a tree of directories and identified by pathname. Therefore, the gtrees of Bobbit are considered to meet the requirements of the defined namespace data since the gtrees include the required information.

Referring to Applicant's arguments on page 7, the applicant states "Dinker et al and Bobbit et al, whether taken alone or in any reasonable combination, also do not disclose or suggest a master that is configured to, among other things, communicate with the servers at startup of the master to identify the chunks stored by the servers and record, in a non-persistent manner, information regarding the chunks stored by each of the servers as the location data, as further recited in claim 1.

The examiner respectfully disagrees. Replication topology managers [i.e., masters] are located on different nodes. The communication interface may notify replication topology manager 160 whenever changes in cluster membership are detected. Therefore, it is inherent that when a node, which is to become a manager is added to the cluster, the node will have to receive the topology information. Thus, Dinker is considered to meet the requirements of the claimed limitation.

Referring to Applicant's arguments on page 10 of the Remarks, the examiner respectfully disagrees. According to column 4, lines 47-59 of Dinker, the manager stores whether the nodes are primary or backup. A primary copy is considered to represent a first version and a secondary is considered to represent a second version.

In regards to Applicant's arguments on page 6 of the Remarks, the GUID is considered to include the timestamp.

In regards to the arguments on page 11 in regards to claim 23, the rejections is maintained for the reasons stated above in regards to claim 1.

In regards to the arguments on page 12 of the Remarks in regards to the rejection of claim 24, the examiner respectfully disagrees that the combination of Dinker and Bobbit disclose the claim limitation. For further clarification, see Table 1 of Bobbit. .

/KL/